

Remarks

The Office Action of January 14, 2005 has been reviewed and its contents carefully noted. Reconsideration of this case is earnestly requested. Claims 1-12 are pending in the application.

In view of the following remarks, favorable reconsideration of the outstanding office action is respectfully requested.

Allowable Subject Matter

Claims 3-4 and 7-12 were objected to as being dependent from a rejected base claim, but the Examiner indicated that claims 3-4 and 7-12 would be allowable, if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Applicant gratefully acknowledges the Examiner's statement that claims 3-4 and 7-12 are allowable over the prior art. However, Applicant defers amendment at this time, as Applicant maintains that independent claim 1 (from which claims 3-4 and 7-12 depend) is allowable, as explained in further detail below.

It is respectfully submitted that the objection is thus overcome. Reconsideration and withdrawal of the objection to claims 3-4 and 7-12 are respectfully requested.

Rejection under 35 U.S.C. § 102

Claims 1-2 and 5-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by Becker (US 6,220,605). Applicant respectfully disagrees with the rejection.

In order to avoid rejection for anticipation, it is only necessary to show that a claim contains at least one element not disclosed in a single prior art reference. Unless all of the same elements are found in exactly the same situation and united in the same way to perform the identical function in prior pleaded art, there is no anticipation. Verdegaal Bros., Inc. v. Union Oil Co., 814 F.2d 628 (Fed. Cir. 1987).

Applicant's independent claim 1 recites, *inter alia*, a gasket comprising a sealing ring having a base portion for receiving an end of an inner duct section or connector to be joined, and a substantially J-shaped cross-section; and a flexible hollow sealing portion of substantially

circular cross-sectional shape affixed to said base portion and protruding in a radially outward direction, for engagement with an outer duct section or connector to be joined.

Becker does not disclose a gasket comprising a sealing ring having a substantially J-shaped base portion for receiving an end of an inner duct section or connector to be joined. Rather, Becker discloses a slip joint connection for an engine exhaust system. To the extent that the base or “body portion” (40) of the gasket shown in Becker includes a substantially J-shaped cross-section, the J-shaped portion (38) of Becker does not receive an end of an inner duct section or connector to be joined, as recited in Applicant’s claim 1. Rather, the J-shaped portion of Becker is a “locating portion” (38), which “provides a resiliently sealing engagement between the sleeve assembly (22) and one of the manifold sections.” Clearly the portion of the gasket of Becker that receives sleeve assembly 22 is not the J-shaped portion. Indeed, the J-shaped portion of the gasket disclosed by Becker is unsuitable for receiving an end of an inner duct section or connector to be joined, as is apparent upon reviewing Figure 2 of Becker, because the J-shaped portion (38) is obstructed by the body portion (40) and thus would not provide a proper seal. Thus, Becker does not disclose each and every element of Applicant’s claim 1.

Furthermore, Becker does not disclose a gasket comprising a flexible hollow sealing portion of substantially circular cross-sectional shape affixed to said base portion. It should be noted that Applicant’s claim 1 requires the hollow sealing portion to be affixed to the J-shaped base portion, however, the gasket shown in Becker does not include a flexible hollow sealing portion of substantially circular cross-sectional shape affixed to the J-shaped portion. The Examiner asserts that the J-shaped “locating portion” (38) of Becker constitutes a flexible hollow sealing portion of substantially circular cross-sectional shape affixed to the base portion. However, this does not make any sense, as the J-shaped locating portion (38) of Becker cannot at once constitute Applicant’s claimed elements of both a J-shaped base portion and a flexible hollow sealing portion of substantially circular cross-sectional shape, which is affixed to the J-shaped portion. Applicant’s claim 1 requires a substantially J-shaped portion and a flexible hollow sealing portion of substantially circular cross-sectional shape affixed to the J-shaped base portion. Indeed, it is apparent from reviewing Figures 1-5 of Becker and the specification thereof that there is no flexible hollow sealing portion of substantially circular cross-sectional shape

affixed to the base or "body portion" (40), or the "locating portion" (38). Thus, Becker does not disclose each and every element of Applicant's claim 1.

It is respectfully submitted that the rejection is thus overcome. Reconsideration and withdrawal of the rejection of Applicant's independent claim 1 as being anticipated by Becker are therefore respectfully requested.

Dependent claims 2 and 5-6, being dependent upon and further limiting independent claim 1, should be allowable for the same reason, as well as for the additional limitations recited therein. Reconsideration and withdrawal of the rejection of Applicant's claims 1-2 and 5-6 as being anticipated by Becker are therefore respectfully requested.

Conclusion

Based upon the above remarks and papers of record, Applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests reconsideration of the pending claims 1-12 and a prompt Notice of Allowance thereon.

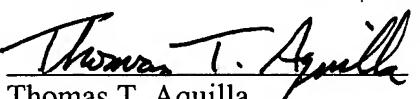
Applicant believes that no extension of time is necessary to make this Response timely. Should Applicant be in error, Applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 50-0289.

Please direct any questions or comments to Thomas T. Aquilla at (607) 256-7330.

Respectfully submitted,

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